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EIGHTY-FIRST LEGISLATIVE DAY
THURSDAY, MARCH 27, 2003

Senate Chamber

President Risch called the Senate to order at 10:15 a.m.

Roll call showed all members present except Senator Calabretta, absent and formally excused by the Chair; and Senators Darrington, Gannon, Sorensen, Stennett, and Williams, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Abby Morehouse, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Darrington and Gannon were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 26, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Sorensen and Stennett were recorded present at this order of business.

March 26, 2003

The JUDICIARY AND RULES Committee reports that **S 1133**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

S 1133, as amended, was filed for first reading.

March 26, 2003

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1133**, **H 218**, **H 177**, **H 65**, **H 301**, and **H 169**, as amended, have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 26, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1059** and **S 1066** were delivered to the Office of the Governor at 3:40 p.m., March 26, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 26, 2003

The EDUCATION Committee reports out **H 270**, **H 319**, and **H 326** with the recommendation that they do pass.

SCHROEDER, Chairman

H 270, **H 319**, and **H 326** were filed for second reading.

March 26, 2003

The HEALTH AND WELFARE Committee reports out **H 160**, as amended, and **H 167**, as amended, with the recommendation that they do pass.

BRANDT, Chairman

H 160, as amended, and **H 167**, as amended, were filed for second reading.

March 26, 2003

The STATE AFFAIRS Committee reports out **H 333** with the recommendation that it do pass.

SORENSEN, Chairman

H 333 was filed for second reading.

March 27, 2003

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Anna Jane Dressen to the Idaho Commission on Pardons and Parole, term to expire January 1, 2005.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 26, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1042

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 26, 2003

Mr. President:

I transmit herewith **H 294, H 337, H 338, H 374, H 369, H 365, H 382, H 346, H 377, and H 384** which have passed the House.

JUKER, Chief Clerk

H 294, H 337, H 338, H 374, H 369, H 365, H 382, H 346, H 377, and H 384 were filed for first reading.

March 26, 2003

Mr. President:

I transmit herewith Enrolled **H 360, H 123, H 312, H 314, H 4, H 295, H 140, H 232**, as amended, **H 15, H 347, H 348, H 349, H 350, and H 351** for the signature of the President, and I return herewith Enrolled **S 1149, S 1150, S 1151, S 1152, and S 1153**, which have been signed by the Speaker.

JUKER, Chief Clerk

The President signed Enrolled **H 360, H 123, H 312, H 314, H 4, H 295, H 140, H 232**, as amended, **H 15, H 347, H 348,**

H 349, H 350, and H 351 and ordered them returned to the House.

Enrolled **S 1149, S 1150, S 1151, S 1152, and S 1153** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Williams was recorded present at this order of business.

The President announced that **SCR 116** was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Stennett, that **SCR 116** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--Pearce, Sweet. Total - 2.

Absent and excused--Calabretta. Total - 1.

Total - 35.

Whereupon the President declared **SCR 116** adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 218, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the first time at length and filed for second reading.

H 177, as amended in the Senate, by Business Committee, was read the first time at length and filed for second reading.

H 65, as amended in the Senate, by Mr. Speaker, was read the first time at length and filed for second reading.

H 301, as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

H 169, as amended, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the first time at length and filed for second reading.

S 1133, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

H 294, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 337 and **H 338**, by Ways and Means Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 374, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 369, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 365, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 382, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 346, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 377 and **H 384**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 370, **H 371**, and **H 372**, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1169 and **S 1170**, by State Affairs Committee, were read the second time at length and filed for third reading.

H 228, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

H 306, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1090, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Compton and Marley arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Hill, Ingram, Kennedy, Keough, Little, Malepeai, Marley, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 26.

NAYS--Geddes, Lodge, McKenzie, Noble, Pearce, Sweet, Williams. Total - 7.

Absent and excused--Calabretta, Goedde. Total - 2.

Total - 35.

Whereupon the President declared **S 1090**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1171 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Calabretta, Goedde. Total - 2.

Total - 35.

Whereupon the President declared **S 1171** passed, title was approved, and the bill ordered transmitted to the House.

S 1122, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Calabretta, Goedde. Total - 2.

Total - 35.

Whereupon the President declared **S 1122**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

The President called Senator Richardson to the Chair.

H 199, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kennedy arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Burkett, Burtenshaw, Cameron, Compton, Davis, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 27.

NAYS--Andreason, Bunderson, Darrington, Gannon, Hill, Noh, Sorensen. Total - 7.

Absent and excused--Calabretta. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 199**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

On request by Senator Davis, granted by unanimous consent, **H 302** was placed at the head of the Third Reading Calendar, followed by all Senate bills, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Friday, March 28, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary